

COUNTY OF HENRY
Zoning Ordinance

VARIANCE
Application Process

Effective: September 1, 1989

COUNTY OF HENRY

VARIANCE PROCEDURE

A. Preapplication

The person who is interested in obtaining a Variance to a specific requirement of the Zoning Ordinance will first consult with the Department of Planning, Zoning & Inspection to discuss his proposed project. The staff will explain applicable provisions of the Zoning Ordinance and provide information, technical assistance, and copies of all application forms. An application for a Variance may be filed by the owner, tenant, or contract purchaser of the property. If filed by a tenant or contract purchaser, evidence of concurrence by the owner must be provided. The applicant should also discuss his proposal with neighboring property owners.

B. Application Submittal

The applicant must submit a completed application package consisting of the three items listed below to the Department of Planning, Zoning & Inspection. Incomplete packets will not be processed.

1. **Application for Variance**; typed or printed in ink, with all information completed, and signed by the applicant and owner, if different. An important part of the application is a listing of the name and complete address of all owners of property adjacent to and across the road from the parcel on which the Variance is requested. This information will be completed by County staff.
2. **Concept Plan**; See instructions for Concept Plan preparation included in Variance Application package.
3. **Payment of Advertising Costs**; \$50 to cover required newspaper advertising, notification sign, and the cost of notification of adjoining property owners.

In order to meet the legal requirements for advertising, a schedule will be provided to the applicant showing the deadline by which completed applications must be filed.

C. Public Notice

The public hearing will be conducted on the application by the Henry County Board of Zoning Appeals. The staff will take the following actions to notify interested persons about the request and the public hearing: (State Code 15.2-2204)

1. Send to the local newspaper notice of the public hearing, which will be published once a week for two consecutive weeks.
2. Notify each of the adjacent property owners by first class mail.
3. Post at least one notification sign on the property. (the number of signs needed will be determined by the staff based on size and location of the property.)

Variance Application Process

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D. Review Process

The Zoning Administrator will visit the proposed site to examine the following: the surrounding land uses, existing environmental constraints (i.e., vegetation, slope, soils and floodplain), access the traffic flow, and the surrounding architecture.

The staff will prepare a report on the request addressing its conformity to the requirements for the issuance of a Variance in the Zoning Ordinance. The application and staff report will be forwarded to the Planning Commission, who may choose to make a recommendation on the request to the Board of Zoning Appeals.

The Board of Zoning Appeals will conduct a public hearing on the request at the date and time advertised in the public notice. The applicant must attend the public hearing and/or have an agent present if he desires to do so. All interested persons will be given an opportunity to comment on the application.

The Board of Zoning Appeals may vote to approve or deny the request. The Board of Zoning Appeals may also impose conditions to the location, character and other features of the proposed structure or use and may require a guarantee or bond to insure that the conditions will be met.

***FOR FURTHER INFORMATION OR ASSISTANCE,
PLEASE CONTACT THE COUNTY PLANNING
STAFF AT:***

*Department of Planning, Zoning & Inspection
County Administration Bldg., King's Mountain Road
P. O. Box 7, Collinsville, VA 24078
(276) 634-4620*

COUNTY OF HENRY
APPLICATION FOR VARIANCE

*Part 1 – To be completed by Applicant
Please type or print in ink the following information.*

Applicant's Name: _____ Telephone: _____

Applicant's Address: _____

Location of Property:

Real Estate Map and Parcel Number: _____ Zoning: _____

Subdivision : _____ Present Use: _____

Proposed Development:

To be completed by County:

The Henry County Planning Department will list below the name and complete address (including the zip code) of the owner of all property adjacent to or directly across a road from the property for which the rezoning is requested.

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Name: _____

Address: _____

Real Estate Map and Parcel Number: _____ Zoning: _____

Application for Variance

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Part 2 – To be completed by Applicant Justification for Variance

Please answer the following questions to determine whether your request for a variance meets the conditions of the Zoning Ordinance.

1. Which of the following special conditions necessitates a variance?

☐

a. Exceptional narrowness, shallowness, size or shape of property.

☐

b. Exceptional topographic conditions or other extraordinary conditions of property.

☐

c. Exceptional conditions of adjacent property.

Please explain:

2. In what way would the strict application of the Zoning Ordinance produce undue hardship that is not shared generally by other properties in the same zoning district and the same vicinity?

3. What effect would the variance have on adjacent property? Would the proposal be detrimental to adjacent property or change the character of the district?

I hereby apply for a Variance as described herein subject to all County and State laws, ordinances, rules and regulations. I authorize appropriate County officials to enter upon the above-described property during normal business hours to conduct required inspections and post signs. I hereby certify, under penalties of perjury, that the above information is true, complete, and correct. I also understand that I or a representative must attend the Board of Zoning Appeals public hearing.

Signature of Applicant

Owner's consent if different from applicant:

Signature of Owner

NOTICE

Section 21-1701 of the Henry County Zoning Ordinance authorizes the Board of Zoning Appeals to impose conditions and restrictions upon the location, character, and other features of the proposed structure or use for which a variance is granted and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.

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Part 3 – To be completed by County

Variance Number: _____ Date Completed Application Received: _____

Date of Public Hearing: _____ Dates of Advertising: _____

I certify that on _____, each of the property owners adjacent to and across the road from applicant's property were sent by first class mail a notification of the public hearing.

Signature of Staff

Action by Henry County Board of Zoning Appeals

Date: _____

Approved ☐

Denied ☐

Conditions:

Secretary, Board of Zoning Appeals

COUNTY OF HENRY

CONCEPT PLAN INSTRUCTIONS

The Henry County Zoning Ordinance requires that a concept plan be submitted with each application for rezoning, special use permit, or variance. The purpose of the concept plan is to depict graphically the concept or reasons for the requested exception to the provisions of the Zoning Ordinance.

The plan should describe the proposed use or development in the level of detail appropriate to the proposed project. During Step 1 of the application process, the County staff in the Department of Planning, Zoning & Inspection will inform the applicant which of the optional items listed below should be included in his Concept Plan. The Plan does not have to be prepared by a professional site planner, but it should be printed in ink and clearly legible on size no larger than 11" x 17" paper. The applicant should date and sign the Plan, and the name of the preparer (if different from the applicant) should be listed.

Information required for all Concept Plans:

- ☒ Project title
- ☒ Name of applicant and project designer (if applicable)
- ☒ Date of preparation
- ☒ North arrow and graphic scale
- ☒ Lot size in acres or square feet and dimensions
- ☒ Adjacent streets, alleys, railroads, water bodies, etc.

Information required for some Concept Plans:

- ☐ Locations, dimensions, and heights of all structures
 - ☐ Number, type, size and gross density of all units
 - ☐ Location, size, and type of recreational amenities
 - ☐ Location and dimensions of driveways, off-street parking spaces, and loading facilities
 - ☐ Location and description of screening and buffering along the lot perimeter
 - ☐ Type, area, height, and placement on site of all signs
 - ☐ Building elevations or renderings
 - ☐ Description of landscape improvements
 - ☐ Other _____
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